IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No.4332 of 2006

Mr.Shaikh Mhod.Hanif Chandmiya
and ors. Petitioners

Vs.

The Asst.Registrar, C.S. & ors. Respondents

Mr.C.J.Sawant, Sr.Counsel with Mr.A.S.Desai, Mr.I.V.Suryavanshi and Mr.M.P.Tiwari for petitioners.

Mr.S.D.Utangale for Resp.Nos.1 and 2.

Mr.Y.S.Jahagirdar, Sr.Counsel with Mr.J.S.Suryavanshi for respondent nos.5 and 6.

Ms.V.S.Mhaispurkar, AGP for Resp.Nos.3 and 4.

CORAM: B.H.MARLAPALLE,J.

July 13, 2006.

P.C.

. Heard Mr.Sawant, the learned Senior Counsel with Mr.Desai for the petitioners and Mr.Jahagirdar, the learned Senior Counsel with Mr.Suryawanshi for Respondent Nos.5 and 6. The learned AGP appears fro Respondent Nos.3 and 4 and Mr.Utangale for Respondent Nos.1 and 2.

. The Respondent No.1 had issued a show cause notice on 21/4/2006 under Section 78(1) of the Maharashtra Co-operative Societies Act, 1960 and the parties were to be heard on 9/5/2006. They asked for time and the next hearing was posted on 31/5/2006. However, none of the petitioners remained present before the Asst. Registrar on that date. Consequently the order dated 2/6/2006 came to be passed under Section 78(1) of the said Act dissolving the managing committee and appointing an administrator i.e. Shri D.R.Patil, Asst. Co-operative Officer and this order has been challenged in Appeal No.111 of 2006 which is pending before the Divisional Jt. Registrar, Co-operative Societies, Mumbai. In the said appeal a stay petition was moved. However, by his order dated 13/6/2006 the lower appellate authority admitted the appeal and rejected the stay petition. This order has been challenged by filing a revision application 154 of the Act before the State Government and along with an application for stay to the original order under challenge i.e. the order dated 2/6/2006 passed by the Asst. Registrar and as per the petitioners the said revision along with the application for stay could not be taken up for hearing by the State

Government and, therefore, this petition has been moved.

. A number of judgments were relied upon including the decision of a Division Bench of this Court in the case of Shaikh Gulab Chandu Khatik v. State of Maharashtra 1979 **[1979 Mh.L.J. 167]**.

. Mr.Jahagirdar, the learned Senior Counsel, on the other hand, has raised an objection to the maintainability of this petition itself on the ground that the order which has been challenged in revision before the Government is the subject matter of challenge in this petition as well.

. Be that as it may, the revision proceedings need to be attended and heard by the competent authority more so the application for stay filed in the revision application ought to be heard at the earliest possible.

. Hence the petition is disposed off by directing that the stay application filed in the revision petition be heard by the competent authority as expeditiously as possible and in any case by 31st

July 2006 and status quo as at present shall be maintained till the stay application is decided.

(B.H.MARLAPALLE,J.)